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10/713,697	11/14/2003	Kenneth R. Thurm	THURM-006A	2718

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EXAMINER

KLEBE, GERALD B

ART UNIT PAPER NUMBER

3618

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/713,697	<b>Applicant(s)</b> THURM, KENNETH R.	
	<b>Examiner</b> Gerald B. Klebe	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-15 is/are rejected.
- 7) ☐ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*GP Klebe*  
*25 March 2005*

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>03/23/2005</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### *Amendment*

1. The amendment filed 02/07/2005 under 37 CFR § 1.111 has been entered. Claims 1-17 are pending in the application.

### *Restriction / Election*

2. In Applicant's amendment filed 02/07/2005 in response to the Office Action mailed 11/29/2004 Applicant states that Applicant has elected, with traverse [examiner's emphasis added herein], the invention defined by Figures 1-5. However, the examiner calls the attention of the Applicant to the paragraph 2 of the Office Action mailed 11/29/2004, wherein it is recorded that a provisional [examiner's emphasis added herein] election was made in a telephone conversation with Applicant's Attorney of Record on 17 November 2004 to elect without traverse [examiner's emphasis added herein] the invention of Species Group I, Figures 1-5 and that affirmation of that election was to be made by Applicant in replying to the Office Action.

Since the telephone election was made provisionally, the examiner understands that, upon further consideration and for the record, Applicant has elected, finally, with traverse [examiner's emphasis added] the Species Group I, Figures 1-5.

Furthermore, in the amendment in response filed 02/07/2005, Applicant requests that in accordance with Office policy as set forth in MPEP § 803, the examiner reconsider withdrawal of the species election requirement because the examiner has not shown that a concurrent examination of each species would present a "serious burden" and Applicant believes that the search for the combination of features recited in the claims of the individual species would

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appear to have a very substantial degree of overlap so that no undue or serious burden would be presented in concurrently examining species I (Figs 1-5) and II (Figs 6-11).

In reconsideration of the restriction requirement in the light of Applicant's traversal of the requirement, Applicant's arguments for withdrawal of the species election requirement on the basis that no "serious burden" would be presented the examiner in concurrently examining species I and II are not persuasive, since the grounds for restriction of species are based upon the statutory requirement that there be only one invention per patent, unless in the case of a patentable generic claim, the applicant will be entitled to consideration of claims to additional species written in dependent form or other wise including all the limitations of an allowed generic claim.

Since Applicant has not provided evidence or identified such evidence now of record showing the species to be obvious variants nor clearly admitted on the record that this is the case, the conclusion is made that Applicant considers the two species to be patentably distinct. Thus, in addition to reading and understanding all of the various features of the species presented it would, indeed, be a serious burden upon the examiner to search for the added features and apply any found additional relevant prior art to each of the species presented.

Furthermore, the examiner disagrees with Applicant's allegation that there is a "substantial degree of overlap" in the combination of features recited in the claims of the individual species and that therefore the search for each species would be substantially the same. Clearly, in the examiner's view, the second species carries substantially more features that could be claimed, and which therefore would require being individually searched and individually addressed in the written Office Action, thus *prima facie* a serious burden.

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Consequently, Applicant's arguments in traverse notwithstanding, the examiner maintains the restriction requirement to be proper and hereby makes the restriction final.

An examination of the merits follows of the claims 1-5 and 7-16, reading on the elected species I, Figures 1-5; independent claim 1 being considered generic. Claims 6 and 17 reading on a non-elected species are withdrawn from further consideration.

### *Drawings*

3. The drawings are objected to because:

Figure 3A appears to the examiner to be incorrectly drawn and also to be missing the depiction of structural elements significant to the understanding of the invention; specifically:

a) it seems to the examiner that hinge elements of the rear frame used to connect the rear frame to the forward tubular frame and, probably located at each side of upper crossmember 84, are not shown;

b) it seems to the examiner that the plurality of mounting tabs 114 shown on the rear tubular frame are incorrectly depicted as being attached to the lower tubular members rather than to the upper tubular members of the rear frame.

c) in the examiner's understanding of the structure as disclosed, it seems that the open spacing presently shown between the elements 32 and 34 in both Figure 1 and Figure 2 would, instead, be shown as filled with some representative depiction of the abutting upper crossmembers 56 and 84 of the forward and rear upper platforms as they abut each other in the deployed orientation of the trailer.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature recited in the claim 16

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wherein the generally horizontally oriented common planar platform provides a flat bed platform having no voids disposed through the flat bed platform must be shown or the feature(s) canceled from the claim(s). It appears to the examiner that figures 1-2 each show a transversely extending opening between the decking plates 32 and 34 of the upper platform when the trailer is in its deployed orientation as a towed trailer. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

#### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment

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paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Specification - Objections***

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 16 recites the limitation wherein when the trailer is deployed and at least one motorcycle guide rail and wheel chock assembly is removed, that the generally horizontally oriented common planar platform provides a flat bed platform having no voids disposed therethrough. However, from the depictions of the planar platform shown in Figures 1

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and 2 it appears that when the trailer is deployed for towing there exists a transversely extending opening or gap between the first planar deck and the second planar deck where they interface.

Appropriate correction is required. No new matter should be added.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leib et al. (US 5340145), cited by Applicant, in view of Albert (US 5570898).

Leib et al. (-145) discloses a vertically stowable modular multi-purpose trailer comprising :

- a. **(re: claim 1)** a forward support section (Figs 1 and 2, item 22) comprising,
  - a first tubular frame (Fig 1, item 50; refer col 2, lines 3-5 and col 3, lines 41 ff) having a main body portion with a first upper platform and rear interface side (taken as the interface where it hingedly connects with the forward interface of the rear support section, 24), and forward trailer neck (taken as combination of items 78, 80 and the connected portion of the trailer hitch 76);
  - a pair of caster wheels (118; seen in Fig 1 and also shown in Fig 8) attached proximate the rear interface; and
  - a rear support section (24) comprising,



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a second tubular frame (Fig 3, item 30; taken as the combination of items 32, 34, 36 and as connected with item 38; refer col 2, lines 3-5 and col 3, lines 16ff) having a second upper platform and a forward interface;

a third caster wheel (Fig 2, item 122; seen also in Fig 8) attached proximate the forward interface; and

a pair of hinge assemblies (88) interconnecting the rear interface and the forward interface;

the trailer adapted to be configured in a deployed configuration (Figs 1-6), wherein the forward support section and rear support section are longitudinally positioned next to each other forming a generally horizontally oriented common planar platform for supporting a payload; and

the trailer adapted to be configured in a vertically stowed configuration (Fig 11), wherein the forward support section and rear support section are adapted to be folded about the pair of hinge assemblies (88) such that the forward support section and the rear support section are latitudinally positioned next to each other in a generally vertical orientation; and, further (re: claim 2) wherein, when the trailer is vertically stowed, the pair of caster wheels (118) and the third caster wheel (122) are in contact with a trailer supporting surface (as seen in Fig 11); and,

(re: claim 3) wherein, when the trailer is deployed, the pair of caster wheels and the third caster wheel are elevated from the trailer supporting surface (as seen in fig 1 (items 118) and Fig 2 (item 122)); and,

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(**re: claim 4**) the main body having a recess underneath the first upper platform (not separately numbered; taken as the recessed region between the triangularly configured frame members 52, 54, and 56); and,

(**re: claim 5**) the trailer being configured to transport a single motorcycle (refer col 1, lines 7-8, and col 6, lines 46-47); and,

(**re: claim 11**) further comprising an axle (93) attached to the main body portion, an independent torsion suspension system attached to the axle (refer col 4, lines 15-34; and especially refer to lines 20-21), and a pair of wheels and tires (96) rotatably attached to the suspension system; and,

(**re: claim 13**) further comprising a trailer hitch (76) attached to the forward trailer neck.

EXAMINER'S NOTE: **Regarding the further recitation of claim 4:** "adapted to store a spare wheel and tire", it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Clearly, the underside of the first upper platform has the ability to have affixed thereto and store a spare wheel and tire.

b. **Re: the further limitations of claim 1**, Leib et al. (-145) lacks explicit disclosure a first planar deck substantially covering the first upper platform, and a second planar deck substantially covering the second upper platform.

c. However, Albert teaches a vertically stowable modular multi-purpose trailer comprising a first planar deck substantially covering a first upper platform, and a second planar deck substantially covering a second upper platform.

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d. Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the first and second upper platforms of Leib et al. (-145) to each be covered substantially with a first planar deck and a second planar deck, respectively, in accordance with the teaching of Albert in order to provide a barrier against road debris thrown up from the wheels of the towing vehicle and impacting the motorcycle during transport.

8. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leib et al. (US 5340145), cited by Applicant in view of Albert (US 5570898).

a. **Regarding the limitations of claim 7**, as discussed above relative to claim 1 from which claim 7 depends, the combination of Leib et al. (-145) and Albert discloses all of the features of the claim except that the motorcycle rail and wheel chock assembly (Fig 1, item 62) of the combination of Leib et al. (-145) and Albert (US 5570898) is fixedly rather than removably attached to the first upper platform.

However, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the trailer disclosure of the combination of Leib et al. (-145) and Albert to have the motorcycle guide rail and wheel chock assembly removably attached to the first upper platform, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art, (*Nerwin v. Erlichman*, 168 USPQ 177, 179.) and it would have been obvious to make this assembly selectively removable and separable from the trailer first upper platform as an engineering design choice in order to provide easy conversion to one or the other of the trailer multi-configurations contemplated by the reference at column 6, lines 45-51.

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Furthermore, **regarding the further limitation of claim 7** of a wheel chock assembly that is pivotable, the wheel chock assembly of Leib et al. (-145) is a fixed assembly.

But Albert teaches the use of a pivotable wheel chock assembly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have substituted for the fixed wheel chock assembly (ies) of Leib et al. (-145) wheel chock assemblies that are pivotable as taught by Albert in order to be able to reduce the aerodynamic drag of the wheel chock(s) of the trailer during high speed towing without the motorcycle aboard by rotating the chock assembly(ies) to lowered positions when not being used with a motorcycle.

b. **Regarding claim 10**, as discussed above relative to claim 1 from which claim 10 depends, the combination of Leib et al. (-145) and Albert discloses all of the features of the claim except that the combination of Leib et al. (-145) and Albert uses rectangular section steel tube members to construct the first and second tubular frames.

However, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the disclosure of the combination of Leib et al. (-145) and Albert to, instead, form the first and second tubular frames of steel having a round section since it has been generally held to be within the skill of a worker in the art to make an element any shape as a matter of obvious engineering choice when the shape is not for any stated reason or any particular purpose. In re Dailey, 357 F.2d 699, 149 USPQ 47 (CCPA 1966).

Therefore, it would have been obvious to one of ordinary skill to make the frame elements of the trailer of the combination of Leib et al. (-145) and Albert in the form of round

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sectional shaped members in order to eliminate the sharp edges of the rectangular frame elements as a safety measure.

9. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leib et al. (US 5340145) cited by Applicant, in view of Albert (US 5570898) in view of Johnston (US 6102370), cited by Applicant.

As discussed above relative to claim 1 from which claims 8 and 9 depend, the combination of Leib et al. (-145) and Albert discloses all of the features of the claim except that the combination of Leib et al. (-145) and Albert is silent regarding provision (re: claim 8) of a loading ramp that may have one end of the ramp (re: claim 9) attached to a rear end of the rear support section of the trailer and the other end of the ramp positioned to engage the trailer's supporting surface.

However, Johnston teaches a trailer (Fig 1, item 10) having loading ramps (110) that may be attached to a rear end of the rear support section of the trailer and the other end of the ramp positioned to engage the trailer's ground supporting surface (refer col 5, lines 46-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the trailer of the combination of Leib et al. (-145) and Albert in accordance with the teachings of Johnston to include removable loading ramps each having one end that may be attached to a rear end of the trailer's rear support section and the other end of the ramp positioned to engage the ground, the ramps being adapted to be stored within the rear support section of the trailer as an obvious means to facilitate loading and unloading of a motorcycle or other object being transported on the trailer.

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EXAMINER'S NOTE: **Regarding the further recitation of claim 8** that the at least one loading ramp is "adapted to be stored within the rear support section"; it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leib et al. (US 5340145) cited by Applicant, in view of Albert (US 5570898) and further in view of Hiss (GB 2044193).

As discussed above relative to claim 1 from which claim 12 depends, the combination of Leib et al. (-145) and Albert discloses all of the features of the claim except that the combination of Leib et al. (-145) and Albert is silent regarding provision of a spare tire and wheel stored within the recess underneath the first upper platform.

However, Hiss discloses a multi-purpose trailer having a spare tire and wheel stored within a recess underneath a platform of the trailer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the disclosure of the combination of Leib et al. (-145) and Albert in accordance with the teachings of Hiss to include a spare tire and wheel stored within the recess underneath the first upper platform of the trailer in order to provide a readily accessible spare tire and wheel with the trailer itself.

Although Hiss teaches the spare tire and wheel stored beneath the rearmost platform of the trailer it would have been obvious to relocate the spare to a position underneath the first

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upper platform of the trailer since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leib et al. (US 5340145) cited by Applicant, in view of Albert (US 5570898) and further in view of Harrington (US 6557882).

As discussed above relative to claim 1 from which claim 14 depends, the combination of Leib et al. (-145) and Albert discloses all of the features of the claim except that the combination of Leib et al. (-145) and Albert is silent regarding provision of a removable stone guard positioned in a forward region of the forward support section of the trailer.

However, Harrington teaches a trailer having removable stone guards positioned in a forward region of the forward support section of the trailer (Fig 12, combination of items 84 and 86).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the disclosed trailer of the combination of Leib et al. (-145) and Albert to include a stone guard removably positioned in a forward region of the forward support section of the trailer as taught by Harrington in order to further protect the motorcycle or other objects being transported on the trailer from debris during motion of the trailer behind the towing vehicle.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leib et al. (US 5340145) cited by Applicant, in view of Albert (US 5570898) and further in view of Zenna (US 4752177), cited by Applicant.

As discussed above relative to claim 1 from which claim 15 depends, the combination of Leib et al. (-145) and Albert (US 5570898) discloses all of the features of the claim except that the combination of Leib et al. (-145) and Albert is silent regarding provision of a utility box.

Zenna teaches a motorcycle transport trailer that includes a utility box removably fastened to the first upper platform of the forward support section.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the trailer of the combination of Leib et al. (-145) and Albert to have a utility box removably fastened to the upper platform of the forward support section in accordance with the teachings of Zenna in order to include on the trailer in proximity to the motorcycle a battery source to charge the motorcycle battery in case of failure and a source of pressurized air to inflate the motorcycle tires.

***Allowable Subject Matter***

13. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Reasons for Indicated Allowable Matter***

14. The following is a statement of reasons for the indication of allowable subject matter:

The limitations recited in the claim 16 for a vertically stowable modular multi-purpose trailer comprising a forward support section having a first upper platform with a first planar deck substantially covering the first upper platform having a rear interface and a rear support section having a second upper platform with a second planar deck substantially covering the second upper platform and having a forward interface, and the trailer having a pair of hinge assemblies



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interconnecting the rear interface and the forward interface and further comprising at least one motorcycle guide rail and pivotal wheel chock assembly removably attached to the first upper platform such that when the trailer is deployed for towing and the at least one motorcycle guide rail and pivotable wheel chock assembly is removed a generally horizontally oriented common planar platform provides the trailer with a flat bed platform having no void disposed therethrough, together with the other recited limitations of the claim are not found in the prior art of record nor may be construed from any reasonable combination derivable therefrom.

***Response to Arguments***

15. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Prior Art made of Record***

16. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art of Maxwell et al.; of Nyman; of Chereda; and of Bowman, each show features in common with some of the other structures of the inventive concept disclosed in the instant application.

***Conclusion***

17. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-872-9306; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 703-308-2560.

Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*gbklebe*  
gbklebe / Art Unit 3618 / 25-Mar-05



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